



## **MINUTES**

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, FEBRUARY 1, 2007  
AT 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

**Disclaimer:**     *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

### **1. CALL TO ORDER**

Chairperson Hughes called the regular meeting to order at 6:05 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. G.H. Jones, Mr. Robert Horton, Mr. Art Hughes (Chairperson), and Mr. Don Maxwell (Parliamentarian).

Commission member absent was: Mr. Michael Parks.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

### **2. HEAR CITIZENS**

No one came forward.

### **3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

Commissioner Horton filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #10, Rezoning PV07-07. Commissioner Horton will not participate in deliberation or voting on this agenda item.

Commissioner Maxwell filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #12, Rezoning RZ07-08. Commissioner Maxwell will not participate in deliberation or voting on this agenda item.

**4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)**

**A. CONSIDERATION – Street Closing SC06-05**

**J. Dean**

*A request to permanently close public right-of-way for a portion of Tabor Road and a portion of 31<sup>st</sup> Street adjoining Block 272 of the Bryan Original Townsite in Bryan, Brazos County, Texas.*

**B. CONSIDERATION – Alley Closing AC06-03**

**J. Dean**

*A request to permanently close a portion of the public right-of-way for W. 20<sup>th</sup> Street and a portion of the alley of Block 165 of the Bryan Original Townsite in Bryan, Brazos County, Texas.*

**C. CONSIDERATION – Final Plat FP07-01**

**M. Zimmermann**

*Proposed final plat of Autumn Lake Subdivision - Phase I, consisting of 16.824 acres of land adjoining the northwest side of West Villa Maria Road between Mana Court and Kingsgate Drive in far southwestern Bryan, Brazos County, Texas.*

**D. CONSIDERATION – Final Plat FP07-02**

**L. Guindi**

*Proposed final plat of Bryan Towne Centre consisting of 60.3694 acres of land adjoining the south side of Briarcrest Drive in east Bryan, Brazos County, Texas.*

**Commissioner Jones moved to approve the Consent Agenda. Commissioner Maxwell seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**REQUESTS CONCERNING 5.92 ACRES OF LAND LOCATED AT THE DEAD END OF DEBBIE DRIVE IN EAST CENTRAL BRYAN, BRAZOS COUNTY, TEXAS (Commission has final approval on the Conditional Use Permit; appeals may be directed to City Council.)**

**5. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-16**

**J. Dean**

*A request to allow eleven patio homes in a 'RD-5' Residential District 5000 located at the existing terminus of Debbie Drive off of Red River Drive at the existing dead end of Debbie Drive in east central Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant is requesting approval of a Conditional Use Permit to allow construction of eleven patio homes in an 'RD-5' Residential District – 5000 along the future extension of Debbie Drive. Staff recommends approving this Conditional Use Permit.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Maxwell moved to approve Conditional Use Permit CU06-16, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**6. CONSIDERATION – Final Plat FP06-20**

**J. Dean**

*Proposed final plat of Briar Meadows Creek Subdivision – Phase 1, consisting of 5.92 acres, located at the dead end of the existing Debbie Drive in east central Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant is requesting approval of the final plat. Staff recommends approving the proposed final plat.

**Commissioner Clark moved to approve Final Plant FP06-20, as requested. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioners requested an update on the Briar Meadows Creek development on a future workshop meeting agenda.

**The motion passed with a unanimous vote.**

**REQUESTS FOR APPROVAL OF RESUBDIVISION**

**7. PUBLIC HEARING/CONSIDERATION – Replat RP06-18**

**J. Dean**

*Replat of Block 272 of the Bryan Original Townsite consisting of a .5105 acre tract along Tabor Road between 30<sup>th</sup> Street and 31<sup>st</sup> Street in Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant has made a request to replat .5105 acres which comprises Block 272 of the Bryan Original Townsite. As a part of this replat, the applicant is also closing a portion of the Tabor Road right-of-way and a portion of the 31<sup>st</sup> street right-of-way. The applicant has indicated that he wishes to develop this site for office use. Staff recommends approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Bond moved to approve Replat RP06-18, as requested. Commissioner Horton seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**8. PUBLIC HEARING/CONSIDERATION – Replat RP06-20**

**J. Dean**

*Replat of Block 165 of the Bryan Original Townsite consisting of .5900 acres of land at the southwest intersection of West Martin Luther King Boulevard and N. Sims in Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicants have requested to replat Lots 4 thru 7 and a portion of the alley of Block 165, Bryan Original Townsite, and a portion of the W. 20<sup>th</sup> Street right-of-way into one lot which totals .5900 acres. The applicant intends to utilize this property for the construction of a restaurant. Staff recommends approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Jones moved to approve Replat RP06-20, as requested. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**REQUESTS FOR APPROVAL OF VARIANCES (Commission has final approval; appeals may be directed to City Council.)**

**9. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-05**

**M. Zimmermann**

*A request for a 20 foot variance from the minimum 25 foot front building setback generally required on lots in residential zoning districts, to legitimize previous installation of a carport that extends within 5 feet from the front property line at 1606 Cedar Street, Lots 6 and 7 in Block 12 of Woodlawn Addition in Bryan, Brazos County, Texas.*

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann advised the Commission that the applicant was cited by the code enforcement department for installing a carport in front of the existing single-family home at 1606 Cedar Street, without building permits and without city site plan approval. Staff recommends denying this request for variance. Staff believes approving the requested variance will further diminish the already limited opens space available on this site. Approving this proposed variance may also set an unwanted precedent.

The public hearing was opened.

Mr. Saul J. Jasso, of 1606 Cedar Street, Bryan, Texas, applicant, came forward to speak in favor of the request. He advised the Commission that he has lived there more than 10 years and he had been unaware that he had to get a building permit. He also stated that he is unsure if the original house had a garage or not. Mr. Jasso advised that the only reason he built this carport four years ago was to protect his car from the weather. He also feels it helps beautify his property.

The public hearing was closed.

**Commissioner Bond moved to approve Planning Variance PV07-05, as requested, finding that in this particular case granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area and on adjacent properties; and that the hardships and difficulties imposed upon the owner/applicant would be greater than the benefits to be derived by the general public through compliance with minimum building setback requirements.**

**Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Bond stated that he drove by the applicant's house and found that the carport was well-built. He added that he saw many structures in this neighborhood that appear to extend close to property lines.

**The motion passed with a unanimous vote.**

Chairperson Hughes advised that Commissioner Horton has filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following regular agenda item #10, Planning Variance PV07-07. Commissioner Horton will not participate in deliberation or voting on this agenda item

#### **10. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-07**

**R. Haynes**

*A request for a 1.5 foot variance from the minimum 5 foot side setback requirement to correct a construction error at 2606 Louisa Court in Briar Meadows Subdivision, Block 2, Lot 16 in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the applicant is requesting a variance to the 5

foot minimum side setback requirement to correct an error in the sighting and placement of the slab for the existing residence. The northeast corner of the slab encroaches into the side setback approximately 1.5 feet. Staff recommends approving the variance, as requested.

The public hearing was opened.

Mr. Jeremy Smith, of 4409 Carter Creek Parkway, Bryan, Texas, applicant, came forward to answer questions from the Commission.

The public hearing was closed.

**Commissioner Beckendorf moved to approve Planning Variance PV07-07, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote. Commissioner Horton did not participate in deliberation or voting on this agenda item due to a conflict of interest.**

**REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)**

**11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-07**

**J. Fulgham**

*A request to change the zoning classification from 'SC-B' South College Business to 'DT-S' Downtown South for 401-429 South Main, specifically occupying all of Block 100 in the Bryan Original Townsite in Bryan, Brazos County, Texas.*

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised the Commission that the subject property is located at 421-429 South Main Street and is currently zoned South College – Business 'SC-B' District. The proponents are requesting a zone change from 'SC-B' District to a 'DT-S' District. Ms. Fulgham advised that on the application form, the applicants listed "parking requirements" as the reason for requesting this zone change. Staff contends allowing this site to not have any parking by approving this request is detrimental to the public's safety. In the Downtown-South zoning district, parking requirements were deemed unnecessary because public parking is provided. This parking, provided to the public at no cost, negates the need for private property owners to provide parking. On the subject property, however, pedestrians cannot easily access public parking. Staff contends the property is not suitable to be included in the DT-S zoning district. Staff recommends denying 'DT-S' zoning, as requested for this block.

The public hearing was opened.

Mr. Fred Forgey, of 300 W 24<sup>th</sup> Street, Bryan, Texas, applicant, came forward to speak in favor of the request and to answer questions from the Commission.

Responding to questions from the Commission, Mr. Forgey advised that customers of his retail

business now park on to the south of property on the asphalt (in the public right-of-way). He added that the building is currently vacant and that he is unable to rent the building because of the parking issue.

Responding to questions from the Commission, staff advised that it has been suggested to Mr. Forgey to either provide parking sufficient for the proposed use at this location or to seek a shared parking agreement with a nearby property owner. Mr. Forgey advised that he has been unable to negotiate such an agreement.

The public hearing was closed.

**Commissioner Maxwell moved to recommend denying Rezoning RZ07-07, accepting the findings of staff. Commissioner Clark seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Bond stated that he does not believe the applicant should have to rezone the property to keep his business.

Commissioner Clark advised the owner to bring a site plan and work with City staff to resolve the issue. He added that he does not believe rezoning to DT-S District is a solution in this case.

**The motion passed with a vote of five (5) in favor and three (3) in opposition. Commissioners Beckendorf, Bond and Jones cast the votes in opposition.**

Chairperson Hughes advised that Commissioner Maxwell has filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following regular agenda item #12, Rezoning RZ07-08. Commissioner Maxwell will not participate in deliberation or voting on this agenda item.

## **12. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-08**

**R. Haynes**

*A request to change the zoning classification from 'RD-7' Residential District 7000 to 'R-NC' Residential Neighborhood Conservation District for 133 lots situated around and along Carter Creek Parkway between Esther Drive and Villa Maria Road in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission the property owners within Culpeper Manor No.3 have submitted a complete petition for a city-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on approximately 133 lots in this subdivision. Most of the lots in this subdivision phase are developed with single-family homes. Seven lots lie along Villa Maria Road and are presently zoned 'C-2' Retail and will not be affected by this request for rezoning. Staff recommends approving 'R-NC' zoning for all eligible lots in this subdivision phase, as requested.

The public hearing was opened.

Mr. James Puckett, of 2606 Melba Circle, Bryan, Texas came forward to speak in opposition to the request. He is opposed to this rezoning because it will limit the use of his property.

Ms. Barbara Jones, of 2525 Willow Bend Drive, Bryan, Texas came forward to speak in favor of the request.

Mr. Paul Hasting, of 2516 Willow Bend Drive, Bryan, Texas came forward to ask questions about the Residential Neighborhood Conservation District.

Mr. Bob Stipanovic, of 1103 Esther, Bryan, Texas came forward to speak in favor of the request.

The public hearing was closed.

**Commissioner Horton moved to recommend approving Rezoning RZ07-08, as requested, accepting the findings of staff. Commissioner Bond seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote. Commissioner Maxwell did not participate in deliberation or voting on this agenda item due to a conflict of interest.**

### **13. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-09**

**J. Fulgham**

*A request to change the zoning classification from 'RD-5' Residential District - 5000 to 'R-NC' Residential Neighborhood Conservation District for all lots in the Southview Terrace Subdivision located in the area of Tanglewood Drive, Southview Drive and Midwest Drive in Bryan, Brazos County, Texas.*

Ms. Julie Fulgham, Staff Planner presented a staff report (on file in the Development Services Department). Ms. Fulgham advised the Commission that the property owners within the Southview Terrace Subdivision have submitted a complete petition for a City-initiated zoning change from 'RD-5' Residential District – 5000 to 'R-NC' Residential Neighborhood Conservation District on all approximately 35 lots in this subdivision phase. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Jones moved to recommend approving Rezoning RZ07-09, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**



#### 14. COMMISSION CONCERNS

Commissioner Beckendorf asked the Commission to consider people's rights when making a decision.

#### 15. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 7:30 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 1<sup>st</sup> day of **March, 2007**.

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Art Hughes, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Lindsey Guindi, Planning Manager and  
Secretary to the Planning and Zoning  
Commission